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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/592,442	06/12/2000	Udayakumar Shanungam	39301/JEC/X2	5354

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ALCATEL INTERNETWORKING SYSTEM, INC.
ALCATEL-INTELLECTUAL PROPERTY DEPARTMENT
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EXAMINER

BOUTAH, ALINA A

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 07/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/592,442

Applicant(s)

SHANUMGAM ET AL.

Examiner

Alina N Boutah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 June 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 and 6. 6) ☐ Other: _____

DETAILED ACTION

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim 1 is provisionally rejected under the judicially created doctrine of double patenting over claim 1, respectively, of copending Application No. 09/592,443. This is a provisional double patenting rejection since the conflicting claims have not yet been patented. The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter.

Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

Claim 9 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 43 of copending Application No.

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09/592,443. Although the conflicting claims are not identical, they are not patentably distinct from each other because they contain same limitations except for the step of “storing configuration information of the first and second edge devices in the central database,” which is not claimed in the co-pending application. One of ordinary skill in the art at the time the invention was made would have been motivated to employ this step in order allow the central policy server to quickly save status information of the first and second edge devices since the central database is coupled to the policy server.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Drawings

The drawings are objected to because of the following minor informalities: “ResourceRoot” in figure 2 does not have a reference number (200); “Admin 228” is not in the drawing of figure 2; reference number 718 is used to describe both VPN connection and resource palette; reference number 262 in figured 15 is described as 265 in the specification; reference number 838 is not described in the specification; reference number 438 is not described in the specification; numbers 502-514 in figure 26 are being described as 902-914 in the specification; and 984 in figure 30 is not described in the specification . A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12 recites the limitation "the log collecting and archiving module" in lines 24-24 of page 51. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,502,131 issued to Vaid et al. in view of USPN 6,101,541 issued to Ellessen et al.

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Regarding claim 1, Vaid teaches a system for managing policy services in an organization, the organization including a first network having a first set of resources and a second network remote from the first network having a second set of resources, the system comprising:

a first server associated with the first network, the first server configured to manage the first set of resources (figure 1);

a second server associated with the second network, the second server configured to manage the second resources (figure 1); and

a firewall in communication with the first and second servers, the firewall being able to be configured to manage incoming/outgoing management of information and monitoring health and status of the network (figures 1 and 2; col. 9, line 63 – col. 10, line 25).

Vaid teaches the ability to distribute a management tool at any point in the network data path such as clients, servers, or firewall (col. 10, lines 11-16).

However, Vaid does not explicitly teach the policies for first and second network resources being managed by a first and second “edge” devices; and the health and status of the first and second edge devices being monitored by a central policy server.

Elleson teaches:

a first edge device associated with the first network, the first edge device configured to manage policies for the first network and the first set of resources in accordance with first policy settings (figure 1; col. 1, lines 30-60; col. 4, lines 30-59);

a second edge device associated with the second network, the second edge device configured to manage policies for the second network and the second set of resources in accordance with second policy settings (figure 1; col. 1, lines 30-60; col. 4, lines 30-59); and

a central policy server in communication with the first and second edge devices, the central policy server configured to define the first and second policy settings and monitor health and status of the first and second edge devices from a single location (figures 1 and 2; col. 4, line 60-67; col. 5, lines 34-51).

Although Ellesson does not explicitly teach the first and second policy settings being stored in a first and second database, respectively, he teaches the edge devices collecting statistics about traffic flowing through them. It is well known in the art that the collected statistics must somehow be stored in a designated storage area such as a database.

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to incorporate the teaching of Ellesson into the teaching of Vaid by using edge devices to manage first and second networks because they permit the flow of packets into the network, therefore facilitating the resource management (col. 1, lines 31-43, 47-62). One of ordinary skill in the art at the time the invention was made would have also been motivated to employ a central policy server to monitor the health and status of the first and second edge devices from a single location in order to facilitate the network management for an administrator, thus maintain the network's quality of service.

Regarding claim 2, Vaid teaches the system of claim 1, wherein the central policy server includes:

a log collecting and archiving module for periodically receiving health and status information from each of the devices (figure 9, col. 18, lines 20-21; col. 22, lines 30-39);

a reports module coupled to the archive database for creating reports based on the health and status information (figures 9-13).

Although Vaid does not explicitly teach an archive database coupled to the log collecting and archiving module for storing the health and status information, he teaches a save feature for storing reports, such as charts, plots, or snapshots of the network (col. 22, lines 30-49), it is well known in the art that in order to access the reports, they must somehow be organized in a storage, such as a database.

Regarding claim 3, Vaid teaches the system of claim 2, wherein each device collects and transmits health and status information in a predefined common log format (figure 9, col. 18, lines 20-21; col. 22, lines 30-39).

Regarding claim 4, Vaid teaches the system of claim 2, wherein the health and status information includes network flow information of packets flowing through the device (col. 2, line 56 – col. 3, line 8).

Regarding claim 5, Vaid teaches the system of claim 4, wherein the device maintains a byte count of the packets flowing through the device, wherein the byte count is organized according to resources associated with the packets (figures 9-11).

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Regarding claim 6, Vaid teaches the system of claim 2, wherein the health and status information includes statistics on use of each device's set of resources (figures 10 and 11).

Regarding claim 7, Vaid teaches the system of claim 6, wherein the reports indicate usage of the resources associated with a particular device over a period of time (figures 10 and 11).

Regarding claim 8, Vaid teaches the system of claim 2, wherein the central policy server further includes means for determining when each of the devices is to transfer the health and status information to the log collecting and archiving module (figure 9).

Claim 9 contains similar limitations as claim 1, except for the step of "storing configuration information of the first and second edge devices in the central database." Claim 9 is rejected under the same rationale as claim 1.

As to the step of storing configuration information of the first and second edge devices in a central database, Vaid fails to expressly teach this step. Ellesson teaches storing configuration information of the first and second edge devices in a central database (col. 1, lines 47-63).

One of ordinary skill in the art at the time the invention was made would have been motivated to employ this step in order allow the central policy server to quickly save status information of the first and second edge devices since the central database is coupled to the policy server.

Claims 10-16 contain similar limitations as claims 2-8, respectively, therefore are rejected under the same rationale.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. USPN 6,141,686 issued to Jackowski et al.
2. USPN 6,170,009 issued to Mandal et al.
3. USPN 5,579,222 issued to Bains et al.
4. USPN 6,104,700 issued to Haddock et al.
5. "Policy-Based Networking: Working Hand in Hand with DEN." November, 1998, ENTmag.com.
6. "Today's Policy Management Scenarios." 1998, Derminisitic.com.
7. Nomura et al. "A Policy Based Networking Architecture for Enterprise Networks." 1999, IEEE, pages 636-640.
8. Blight et al. "Policy-Based Networking Architecture for QoS Ineterworking in IP Management." 1999, IEEE, pages 813-826.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alina N Boutah whose telephone number is (703) 305-5104. The examiner can normally be reached on Monday-Friday (8:30 am-5:30 pm).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (703) 308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-9112 for regular communications and (703) 305-3718 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

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July 26, 2003


DAVID WILEY
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